

Applicant : Alan R. Tall
Serial No.: 09/560,372
Filed : April 28, 2000
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In the Claims

Please cancel claim 49 without prejudice to applicant's right to pursue the subject matter of this claim in a related application.

Please amend claims 1, 10, 16 and 50 under the provisions of 37 C.F.R. § 1.121(c). The amended claims are presented below and the amendments to the claims are indicated in the marked-up set of claims in Attachment A hereto.

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1. (3X Amended) An isolated human ABC1 promoter that directs transcription of a heterologous coding sequence positioned downstream therefrom, wherein the promoter is selected from the group consisting of:

(a) a promoter comprising nucleotides having the nucleotide sequence shown in SEQ ID NO: 1;

D1 (b) a promoter comprising nucleotides having the nucleotide sequence beginning at bp -469 and ending at bp +101 of SEQ ID NO: 1; and

(c) a promoter comprising nucleotides having the nucleotide sequence beginning at bp -101 and ending at bp 32 of SEQ ID NO: 1.

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- D2 10. (Amended) A host cell in cell culture comprising the recombinant expression construct of claim 5.

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- D3 16. (Amended) The method of claim 15, wherein the promoter nucleotide sequence is identical to the sequence set forth in SEQ ID NO: 1.

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- D4 50. (Amended) The isolated promoter of claim 1, wherein the promoter comprises nucleotides having the nucleotide

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DT sequence beginning at bp -101 and ending at bp -32 of SEQ
ID NO: 1.
